

**GIBBONS P.C.**

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*Attorneys for Plaintiff,  
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Management, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

COHEN & STEERS CAPITAL  
MANAGEMENT, INC.,

Plaintiff,

v.

DONALD LEDERER,

Defendant.

**NOTICE OF DISMISSAL  
WITHOUT PREJUDICE**

**2007 CIV. 7602 (WHP)**

Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiff Cohen & Steers Capital Management, Inc. hereby dismisses the captioned action without prejudice. Defendant Donald Lederer has not appeared in the action, and the parties amicably have resolved the matters in dispute.

Dated: New York, New York  
October 12, 2007

Respectfully submitted,

**GIBBONS P.C.**

By:       s/s Anthony P. Callaghan        
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